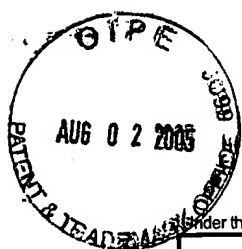


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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/802,686
		Filing Date	March 9, 2001
		First Named Inventor	Gary VAN NEST
		Art Unit	1648
		Examiner Name	T. Brown
Total Number of Pages in This Submission	25	Attorney Docket Number	377882000900

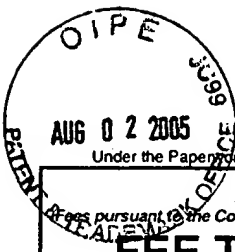
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Communication (2 pages) 2. Copy of Date Stamped Express Mail Label and Receipt (1 page) 3. Copy of Amendment as filed April 28, 2005 (21 pages) 4. Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Debra J. Glafster		
Date	August 2, 2005	Reg. No.	33,888

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 544 979 514 US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 2, 2005

Signature: (Georgina Matos)



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FEE TRANSMITTAL For FY 2005 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Complete if Known	
		Application Number	09/802,686
		Filing Date	March 9, 2001
		First Named Inventor	Gary VAN NEST
		Examiner Name	T. Brown
		Art Unit	1648
TOTAL AMOUNT OF PAYMENT		(\$)	225.00
		Attorney Docket No.	377882000900

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	0.00
Plant	200	100	300	150	160	80	0.00
Reissue	300	150	500	250	600	300	0.00
Provisional	200	100	0	0	0	0	0.00

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
_____	_____	_____	0.00	<u>Fee (\$)</u>
				<u>Fee Paid (\$)</u>
				0.00

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	_____	_____	0.00

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	_____	0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	<u>Fees Paid (\$)</u>
	0.00
Other (e.g., late filing surcharge): 2252 Extension for response within second month	225.00

SUBMITTED BY			
Signature	<i>Karen R. Zachow</i>	Registration No. (Attorney/Agent)	46,332
Name (Print/Type)	Karen R. Zachow, Ph.D.	Telephone	(858) 720-5191
		Date	April 28, 2005

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April 28, 2005

Signature: *[Signature]* (Grace Yu)

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Dated: August 2, 2005

Signature:

Georgia Matos
(Georgia Matos)

Docket No.: 377882000900
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gary VAN NEST

Application No.: 09/802,686

Confirmation No.: 9981

Filed: March 9, 2001

Art Unit: 1648

For: METHODS OF PREVENTING AND
TREATING RESPIRATORY VIRAL
INFECTION USING
IMMUNOMODULATORY
POLYNUCLEOTIDE SEQUENCES

Examiner: T. Brown

COMMUNICATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This Communication is being filed pursuant to the August 2, 2005 request of the Examiner. Applicants note that the response filed April 28, 2005 to the Office Action dated November 30, 2004 was not entered on PAIRS. Applicants contacted the Examiner who requested that the response be resubmitted. Accordingly, enclosed is a complete copy of the response as originally submitted on April 28, 2005, along with a copy of the date stamped express mail certificate.

Applicants submit that no fee is required for this filing. However, in the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 37788200900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: August 2, 2005

Respectfully submitted,

By 

Debra J. Glajster

Registration No.: 33,888
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5725

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Atty Docket No.: 377882000900

Inventor: Gary VAN NEST

Application No.: 09/802,686

Filing Date: March 9, 2001

Title: METHODS OF PREVENTING AND TREATING RESPIRATORY VIRAL
INFECTION USING IMMUNOMODULATORY POLYNUCLEOTIDE
SEQUENCES

Documents Filed:

Transmittal (1 page)

Fee Transmittal (1 page + duplicate)

Amendment in Response to Non-final Office Action (16 pages)

Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Via: Express Mail: Airbill No. EV 441683923 US

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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
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